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Elimination of racism and racial discrimination

Report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the General Assembly the report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance prepared by Mr. Maurice Glèlè-Ahanhanzo, Special Rapporteur of the Commission on Human Rights, in accordance with General Assembly resolution 54/153.

* A/55/150 and Corr.1, Corr.2 and Corr.3.
** Pursuant to paragraph 1 of section C of resolution 54/248, the reason why this report is being submitted on 14 August 2000 is so that it will contain as much recent information as possible.

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I. Introduction

1. In its resolution 54/153 of 17 December 1999 concerning measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the General Assembly, inter alia, expressed its profound concern about and unequivocal condemnation of: (a) all forms of racism, racial discrimination, xenophobia and related intolerance, in particular all racist violence, including related acts of random and indiscriminate violence; (b) all forms of racism and racial discrimination, including propaganda, activities and organizations based on doctrines of superiority of one race or group of persons that attempt to justify or promote racism and racial discrimination in any form; and (c) manifestations of racism, racial discrimination, xenophobia and related intolerance against as well as stereotyping of migrant workers and members of their families, persons belonging to minorities and members of vulnerable groups in many societies.

2. The General Assembly likewise expressed deep concern about the increase in racial and xenophobic violence in many parts of the world, as well as the increasing number of associations established on the basis of racist and xenophobic platforms and charters. It furthermore condemned the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred.

3. The General Assembly therefore urged all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate, including the examination of incidents of contemporary forms of racism and racial discrimination, inter alia, against blacks, Arabs and Muslims, xenophobia, Negrophobia, anti-Semitism and related intolerance, and requested the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-fifth session.

4. The present report seeks to respond to the resolution cited above. It also draws on the pertinent elements of Commission on Human Rights resolution 2000/14 on the same subject, in particular paragraph 31 thereof, in which the Commission requests the Special Rapporteur to examine the issue of political platforms which promote or incite racial discrimination in violation of human rights and to submit recommendations thereon to the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at its second session.

5. It should be mentioned that the analysis of the situations described in this report is a brief one, based on data compiled by the Special Rapporteur from the media and reliable specialized periodicals; it was in fact difficult to compile sufficient data between the date on which the Commission on Human Rights completed the work of its fifty-sixth session (29 April) and the end of July, as Member States and non-governmental organizations did not have enough time to provide information to the Special Rapporteur. Because of the demands of preparing for the Millennium Assembly, the competent departments amended the timetable for the preparation and submission of reports, giving the special rapporteurs very little time in which to perform that task.

II. Activities of the Special Rapporteur and field mission

Activities of the Special Rapporteur

1. Participation in the work of the fifty-sixth session of the Commission on Human Rights

6. From 21 to 27 March 2000, the Special Rapporteur participated in the work of the fifty-sixth session of the Commission on Human Rights, held in Geneva. He expressed his grave concern at certain manifestations of racism, racial discrimination, xenophobia and related intolerance and drew attention in that regard to three significant developments: (a) the accession to power in Austria of the Freedom Party, which in winning 27.22 per cent of the vote in Austria's recent legislative elections has become a major political force in that country; (b) the attacks on migrant workers from North Africa (mainly Morocco) in the town of El Ejido in southern Spain; and (c) the tragic case of Amadou Diallo, who had died after being shot 41 times by members of the New York City Police Department.

7. The Special Rapporteur called on the Commission to pay close attention to the phenomenon of the presence of xenophobic or racist parties within

Governments, since that appeared to be an attempt at normalization of such parties through the democratic process, if not the democratic paradox (namely, the accession to power through democratic channels of a party which disavows the fundamental principles of democracy, including respect for human rights without distinction as to, inter alia, race, origin or colour). There was a genuine risk that the Austrian example might be widely emulated and that such organizations, which had been losing ground in many countries, might regain political momentum and public support.

8. The Special Rapporteur also referred to the punitive raids by hundreds of Spaniards against the North African (mostly Moroccan) inhabitants of the town of El Ejido in southern Spain on Saturday, 5 February 2000, following the murder of a young Spanish woman by a Moroccan who was mentally unbalanced. Forty-nine people had been injured, considerable property belonging to the foreigners had been destroyed and the victims had been the target of xenophobic and racist remarks. Spain, which had just liberalized its immigration policy to take account of its declining birth rate and the manpower needs of its booming economy, had been surprised and shocked at this violent manifestation of racism and xenophobia, which it had managed to contain through the intervention of over 500 police.

9. Lastly, the Special Rapporteur mentioned the case of Amadou Diallo, a young Guinean immigrant, who on 4 February 1999 had died after being shot 41 times by four New York City policemen. The Special Rapporteur noted that the four policemen charged with his murder had been acquitted. While refraining from comment on the verdict, he echoed Amnesty International in observing that "The Diallo case is one of more than a dozen incidents in the past five years, in which black, Hispanic or other minorities have been shot in highly questionable and disputed circumstances" and cited President Clinton's comment, broadcast by Radio France Internationale on 4 March, that Amadou Diallo would not have died had he been living in a white neighbourhood.

10. In addition to those extremely disturbing cases, the Special Rapporteur referred to the expansion of the dissemination of racist ideologies on the Internet and reiterated his recommendation that, in addition to the workshops already held, international consultations should be held to determine what must be done to curb that harmful activity, which seemed to know no borders.

11. The Special Rapporteur also recalled that the Roma were victims of racial discrimination in a number of countries, and referred the Commission to the preliminary findings of his regional mission to the Czech Republic, Romania and Hungary from 20 to 30 September 1999 (see E/CN.4/2000/16/Add.1).

12. Concerning the follow-up to earlier missions, he mentioned that the South African Government had implemented his recommendations through a set of measures to combat xenophobia and recurrent forms of racism and racial discrimination. A plan of action against xenophobia and a campaign to increase tolerance towards foreigners had been launched. The Parliament had adopted new legislation, consisting of four laws, designed to promote equality through affirmative action and to prevent and punish different manifestations of racial discrimination.

13. He said that the French Government had acted on his recommendations, made following his visit to France in September 1995, by putting in place a major legislative package against racism. The immigration laws had been revised, the procedure for granting entry visas to France to people from the "South" had been relaxed and the procedure for reviewing the cases of people held at detention centres, as well as the grounds for expulsion, had been made more consistent with respect for human rights. However, there was a risk that those efforts might be undermined by the recent turnaround in French public opinion. An opinion poll conducted between 17 and 24 November 1999 at the request of the National Consultative Commission on Human Rights and the Government's information service showed that 69 per cent of French people considered themselves to be "quite racist", "rather racist" or "not very racist", while only 29 per cent considered themselves to be "not at all racist". The feelings of solidarity and brotherhood among all French people regardless of origin, engendered by the victory of France's national team in the World Cup final, seemed to have given way to tensions concerning immigration issues. According to the National Consultative Commission on Human Rights, acts of xenophobia, racism and anti-Semitism were on the rise. The French Government had expressed its concern and had announced a plan to combat racial discrimination.

14. Lastly, the Government of Kuwait had informed the Special Rapporteur of the action taken to implement his recommendations on the *bidoon* and migrant workers, made following his visit to that country in 1996. An agency for the recruitment and placement of foreign workers had been set up within the Ministry of Labour in order to put an end to the abuses observed in the recruitment of domestic employees; the conditions under which illegal immigrants were detained and expelled had been improved; and a new labour code had been adopted.

15. The Special Rapporteur concluded his presentation by recalling that racism and racial discrimination, the product of outmoded thinking in a century which vaunted its postmodernism and its passion for globalizing technologies, were far from over and done with and that the world could not afford to ignore them if it wanted to continue to move ahead. The attempt by some people to marginalize human groups on grounds of their ethnic or racial origin, either by voicing racist opinions or by engaging in discriminatory practices, must be condemned uncompromisingly. He suggested that, in addition to combating racial discrimination through education and criminal prosecution, economic and social measures should be taken in favour of people marginalized as a result of present or past discrimination. Accordingly, he proposed that each country concerned should adopt a national plan for the economic and social integration of minorities (ethnic or national), indigenous people or migrants, to be presented to the World Conference against Racism.

2. Participation in the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme

16. The meeting, which was held from 5 to 9 June 2000 (see E/CN.4/2000/6), considered, inter alia, the issue of providing technical assistance to States as a solution to the problem of ensuring compliance with the recommendations made by special rapporteurs after field missions.

3. Preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

17. The Special Rapporteur participated actively in the initiatives already undertaken to prepare for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. For example, he took part in the expert seminar on remedies available to the victims of racial discrimination, xenophobia and related intolerance and on good national practices in this field, held in Geneva from 16 to 18 February 2000 (see A/CONF.189/PC.1/8). On that occasion, he shared the experience he had gained in the field with the problems encountered by victims of racial discrimination in obtaining satisfaction from the legal system owing to the difficulties arising from the burden of proof. He expressed appreciation for the efforts made by some countries to shift the burden of proof to the alleged perpetrator of an act of racial discrimination.

18. The Special Rapporteur also participated in the work of the first session of the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Geneva from 1 to 5 May 2000 (see A/CONF.189/PC.1/21). On that occasion, he highlighted, in particular, the need for Governments to devise human rights education programmes to change attitudes and foster respect for ethnic, racial and cultural diversity. He reiterated his hope that the States concerned would design affirmative action programmes to ensure equal opportunity for all members of society, regardless of ethnic origin, race or language, and that they would report on the measures they had taken at the World Conference.

4. Exchange of views with the Committee on the Elimination of Racial Discrimination concerning the situation of the Roma

19. On 15 August 2000, the Special Rapporteur and the Committee on the Elimination of Racial Discrimination engaged in an exchange of views on the situation of the Roma in a number of countries. In this discussion, the Special Rapporteur shared his experience in relation to racial discrimination against the Roma in education, housing and access to public places, which he had observed in Hungary, the Czech Republic and Romania (E/CN.4/2000/16/Add.1).

5. Mission by the Special Rapporteur to Australia

20. In his preceding report to the General Assembly (A/54/347, para. 17), the Special Rapporteur indicated that he had drawn the attention of the Australian authorities to the concerns raised by the Native Title Amendment Act 1998 and reiterated his desire to visit that country to assess in situ the effects of that law, which the Committee on the Elimination of Racial Discrimination considered discriminatory. The Special Rapporteur had also drawn attention to the process of reconciliation between the Aborigines and the rest of the population and to the claims of aboriginal children who had been taken from their parents and forced to assimilate (the "Lost Generation").

21. A provisional date has been set with the Government of Australia to carry out the mission in October 2000. In the meantime, the Special Rapporteur has been informed that difficulties have arisen in the process of intra-Australian reconciliation, as the Government and the Council for Aboriginal Reconciliation were unable to reach agreement, on 27 May 2000, on a single text that could be accepted as an Australian declaration towards reconciliation. The positions of the Government and the Council differed with respect to the apology which the Aborigines wished to receive from "one part of the nation". The Council's text on this subject reads: "As we walk the journey of healing, one part of the nation apologizes and expresses its sorrow and sincere regret for the injustices of the past, so the other part accepts the apologies and forgives", whereas the text as revised by the Government reads: "As we walk the journey of healing, Australians express their sorrow and profoundly regret the injustices of the past and recognize the continuing trauma and hurt still suffered by many Aboriginals and Torres Strait Islanders".

22. The Special Rapporteur hopes that the dialogue will continue and that the best formula for promoting peace of mind and peaceful coexistence among all Australians will be found.

6. Other activities

(a) Allegations of racial discrimination in Zimbabwe

23. Following the occupation by Zimbabwean war veterans, between February and May 2000, of land belonging to white farmers and the murder of four people, the Special Rapporteur drew the attention of the Zimbabwean Government to allegations of racist propaganda and violence against whites.

24. The Government of Zimbabwe replied as follows:

> "What you refer to as 'farm occupations' are in fact demonstrations on farms by the war veterans, and did not target white-owned properties only, as has erroneously been reported in the media. Demonstrations have been held on farms belonging to black farmers also. As you may be aware, about 4,000 commercial farmers in Zimbabwe own more than 70 per cent of the land, a fact that has meant that more white-owned farms have been affected by the demonstrations. There has been no deliberate policy by the Government of Zimbabwe encouraging the demonstrations on the farms, whether white- or black-owned. The demonstrations on the farms were directed and carried out by the war veterans, through their organizational structures, to show their impatience and dissatisfaction with the slow pace of resettlement and the pattern of unfair land distribution in Zimbabwe.
>
> "The President of Zimbabwe called on both the war veterans and the farmers to desist from violence and from provoking each other in the course of the demonstrations. Regrettably, some lives were lost by both black and white persons. Contrary to reports, all incidents were investigated by police. One police officer was indeed shot dead during the course of investigating reported incidents of violence on one farm. Realizing that it was ill-equipped to give effect to the High Court ruling ordering the war veterans off the farms, the Zimbabwe Republic Police appealed against the ruling, which appeal has been referred to the Supreme Court for a final determination.
>
> "It should be noted that the demonstrations are widespread and involve large numbers of people who are presently on 1,200 farms, spread all over Zimbabwe. The Zimbabwe Republic Police cannot possibly be at all these farms to 'intervene to prevent abuses or apprehend culprits at scene or investigate cases' as suggested in your letter. Investigations have, however, been carried out, with others still in progress. Fifteen people have been arrested so far. These investigations are

being carried out in the face of serious resource shortages on the part of the Police, it should further be noted. No impunity is encouraged or condoned in these or any other acts of violence in Zimbabwe.

"The Government of Zimbabwe believes that the land issue cannot be resolved from a purely legalistic approach. It believes in a holistic approach, which will not only facilitate the equitable distribution of land among all the people irrespective of colour or creed, but which will also provide a permanent solution that will not postpone further the redistribution of land, as happened in 1979 at the Lancaster House Conference. Discussions between the commercial farmers and the war veterans have come up with a solution to the land issue, where a Land Commission will be set up to look into the equitable redistribution of land.

"The media has deliberately taken President Mugabe's remarks on the land issue out of context. He has never stated that 'whites should leave Zimbabwe', as you indicate in your letter. The President has called for only those whites who have failed to accept reconciliation to leave Zimbabwe if they so wish."

25. The Special Rapporteur has taken note of the Zimbabwean Government's explanations and has requested the latter to inform him of the outcome of the police investigations of the murder suspects and the charges against the 15 people arrested to date, as well as the verdicts reached in their trials.

(b) Situation of the Dalits in India

26. The Special Rapporteur continued his consultations with the Indian Government with a view to observing the situation of the Dalits on the ground. The Indian Government considers that this issue is not one of racial discrimination, even though the Committee on the Elimination of Racial Discrimination holds the opposite view. The Special Rapporteur nevertheless hopes that the Indian Government will continue its efforts to promote the integration of the Dalits into Indian society and calls upon it to combat the violence perpetrated against them regularly in several states of the country.

III. Contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance

27. The Special Rapporteur would like to stress that the incidence of violent manifestations of racism, racial discrimination, xenophobia and anti-Semitism, which had been on the decline since 1997, has recently risen alarmingly in a number of countries. Subtle forms of racism and xenophobia also persist in people's everyday lives in several countries. Ethnocentrism and the political exploitation of ethnicity are increasing disturbingly in various parts of the world, particularly in Africa (Great Lakes region) and Asia (Indonesia), where inter-ethnic wars are continuing and threats of ethnic warfare have arisen against a political backdrop. Far-right organizations, neo-Nazis and skinheads are remobilizing and, alarmingly and on a growing scale, are engaging in violent mass actions such as attacks on foreigners and people of colour and the desecration of Jewish cemeteries and monuments. There are two broad categories of racism, xenophobia and related intolerance: (a) racist or xenophobic violence and activities of far-right, neo-Nazi and skinhead organizations; and (b) racist propaganda on the Internet.

A. Racist violence and activities of far-right, neo-Nazi and skinhead organizations

28. During July and August, the international press reported a resurgence of racist and xenophobic violence in Germany, both in the east (former German Democratic Republic) and in the west, in such towns as Dessau, Usedom, Ludwigshafen, Eisenach, Gera, Gotha, Düsseldorf and Erfurt. A Mozambican was beaten to death in Dessau; a residence for asylum-seekers was burned down in Ludwigshafen; Africans were beaten up in Eisenach by young people shouting Nazi slogans; the synagogue in Erfurt was attacked; and young neo-Nazis aged 16 to 27 years were jailed in Gera and Gotha (former German Democratic Republic) for having assaulted foreigners.

29. Most shocking to international public opinion was the 27 July attack on the Düsseldorf railway station, in which 10 members of a group of immigrants from the former Soviet Union, including six Jews, were

wounded. This attack outraged and mobilized the whole country, which was surprised at the resurgence and violence of far-right and skinhead groups that had been thought to be dying out.

30. According to an article in *Le Monde* on 9 August 2000, this resurgence may be attributable to the sociological inflexibility which characterizes the culture of people of the former German Democratic Republic, to distress at the Western socio-economic model and to disappointment that the hopes placed in reunification 10 years ago have come to nothing. The far right draws for its support on young people in the former German Democratic Republic, where the unemployment rate for young people is 40 per cent in the *Land* of Saxe-Anhalt and where the far right, which campaigned under the slogan "Jobs for real Germans!", won 20 per cent of the vote in the most recent regional elections. In some towns of the former German Democratic Republic, neighbourhoods have been declared "national liberated zones" by neo-Nazis and other skinheads, who bar access to them by foreigners of colour and the police.

31. But, however disturbing, the resurgence of racism, xenophobia and anti-Semitism cannot be laid at the door of all Germans. As German Chancellor Gerhard Schroeder said on 7 August, "Skinheads are not Germany". According to the magazine *Der Spiegel*, a recent survey showed that while only 2 per cent of Germans would be prepared to vote for a far-right party under any circumstances, 11 per cent would be prepared to do so "under some circumstances". Groups with a higher than average rate of affirmative responses to this question included people in the former German Democratic Republic (20 per cent), supporters of the Party of Democratic Socialism (PDS) (former East German Communist Party), Green Party Supporters and young people under the age of 27. On the other hand, only 6 per cent of people aged over 45 would consider voting for the far right. In any event, the Government and civil society (including non-governmental organizations, athletes, artists, intellectuals, religious groups and journalists) are mobilizing a "democratic resistance" to xenophobia and anti-Semitism. However, some non-governmental organizations, especially the Forum Menschenrechte (Human Rights Forum) and the World University Service, believe that the political declarations and mobilizations against racism and xenophobia organized by the federal and *Land* authorities are not being followed up by effective measures on the ground.

32. In the case of Austria, an international fact-finding mission organized by the International Federation of Human Rights Leagues (FIDH) visited the country in March and May 2000 to study the situation of foreigners and, more particularly, asylum-seekers (*Le Monde*, Wednesday, 17 May 2000). During its stay, the mission received numerous reports of especially discriminatory and xenophobic practices against the black community (approximately 6,000 people out of a total population of 8.8 million). According to the article, Africans are singled out for public condemnation and are the target of police operations conducted under particularly humiliating conditions. For example, on 1 May 1999, a young Nigerian asylum-seeker, Marcus Omofuma, was arrested, gagged and choked to death by Austrian police while being flown from Vienna to Sofia. On 19 January 1999, Ahmed F. died in suspicious circumstances. On 19 May 1999, police forces carried out a massive raid in which some 100 people were arrested, allegedly for trying to obtain narcotic drugs — the old xenophobic trick of equating foreigners with drug dealers. On 29 April 2000, police arrested Arize Ibekwe, a Nigerian asylum-seeker using the name Richard Weach, in his room. He was transferred to prison on 1 May and died there on 3 May in circumstances which have yet to be explained. Claude Katz, Secretary-General of FIDH, concluded that Austria had already crossed the line in terms of unacceptable treatment of foreigners and xenophobia.

33. The European Union recently sent a delegation to Austria to investigate the human rights situation in that country, with a view to possibly lifting the sanctions adopted by it when representatives of the Freedom Party joined the Government. The Special Rapporteur will report on the European Union's findings in his report to the Commission.

B. Racist propaganda on the Internet

34. This phenomenon is growing alarmingly owing to a lack of international regulation. The thousands of Internet sites identified by several reliable studies (see A/54/347, paras. 33 to 46; A/52/471, paras. 19 to 21; and E/CN.4/1998/79, para. 23) continue to spread their messages of hatred with complete impunity. However, the case brought in France against the Yahoo! company

for selling Nazi objects on its French site may set a legal precedent. On 11 April 2000, the International League against Racism and Anti-Semitism, the Union des étudiants juifs de France (French Jewish Students' Union) and the Movement against Racism and for Friendship among Peoples (MRAP) sued Yahoo! in an attempt to have its auction site, which offers for sale over 12,000 Nazi objects (including swastikas, Nazi tracts, Schutzstaffel (SS) insignia and uniforms) barred to French Internet users. Yahoo! representatives argued that the site has its headquarters in the United States, where such operations are perfectly legal, and that the French courts therefore have no jurisdiction over it. The French judge rejected this argument on the grounds that the Yahoo!.fr site is linked to the Yahoo!.com site in the United States and ordered Yahoo! to block access from France to Nazi apologist or negationist Web pages. Yahoo! will have to inform the judge what technology it plans to use to implement that ruling. The court will issue a final verdict on 6 November 2000, thereby ruling on the delicate issue of how to compel a technology provider (access provider or host), especially one domiciled in the United States of America, to put in place the technology to block access to one of its sites when the content of that site infringes French law.

35. In Germany, a Berlin court on 8 August 2000 sentenced a former member of the Nationaldemokratischer Parti Deutschland (NPD), a negationist and openly Hitlerite movement (with a membership of some 6,000), to two years in prison without parole for incitement to racial hatred and preparation of a bombing attempt. The accused admitted to having made a lethal weapon using the instructions found on an Internet web site. According to an article in *Le Figaro* on 9 August 2000, the Minister of Justice, Herta Daübber-Gmelin, announced that she would take steps to prevent Internet sites from using neo-Nazi elements in their addresses, after a site had been able to use "Heil Hitler" as part of its address with complete impunity.

36. Switzerland has decided to mount a campaign against racist propaganda on the Internet by making Internet service providers criminally liable (an approach quite different from that generally taken so far in Europe) and by seeking to convince more permissive States to restrict access to racist sites to their national territories (as reported in *Le Temps* on 18 February 2000).

IV. Measures taken by Governments

A. France

37. After taking steps to regularize the status of and gradually integrate undocumented persons, the French Government, on the basis of the annual report of the National Consultative Commission on Human Rights, instituted a plan to combat racial discrimination by holding public hearings in March 1999 on ways to better combat the racism and xenophobia now undeniably manifest in France (in the areas of employment, training, housing, recreation and public administration):

(a) A study group on discrimination was created in April 1999 to observe and analyse manifestations of discrimination in all areas of society, particularly employment, recreation and housing, and in public administration or education. The study group is composed of representatives of government offices, employers' associations, trade unions and anti-racist and human rights organizations. Its task is to explain how racism operates and to present action proposals to the Government. It has already submitted to the Government its first report on jobs closed to foreigners;

(b) A commission on access to citizenship was set up in January 1999 in each prefecture. Aside from uncovering acts of racial discrimination, the main purpose of these commissions is to help children of immigrants find a job and a place in society and to eliminate the discrimination which they suffer in hiring, housing and recreation. The commission in each department brings together, under the prefect's auspices, representatives of government offices, public services, elected officials, unions, associations and low-cost housing (HLM) agencies;

(c) Efforts to combat ordinary, everyday racial discrimination, which has now become commonplace, have been reinforced by the introduction of a free telephone number, "green number 114 against discrimination" in service since 16 May 2000, under the auspices of the study group on discrimination. The initiative has been highly successful and revealing of the extent of ordinary discrimination (nearly 2,000 calls are received per day, as reported in *Le Monde* on 10 August 2000, p. 5).

B. Other European countries

38. On 6 June 2000, the Ministers of Labour and Social Affairs of the European Union, meeting in Luxembourg, approved a directive aimed at combating all forms of discrimination based on race or ethnic origin. The anti-racism directive expands upon the recommendations of the Amsterdam Treaty concerning discrimination. It covers not just employment but all aspects of everyday life, from schools to transportation to social welfare. What is new about the directive is that it favours the complainant. It shifts the burden of proof from just the complainant to the company (or other institution) accused in the complaint as well, whereas the laws of many countries still require the complainant to provide evidence to substantiate his or her complaint. The States members of the European Union have three years in which to bring their legislation into line with the 6 June 2000 directive. The member States also considered another directive concerning job discrimination based, in addition to ethnic or racial origin, on, inter alia, age, disability, religion or sexual orientation.

39. The Special Rapporteur has maintained excellent cooperative relations with the European Commission against Racism and Intolerance since it was set up in 1994 as an outcome of the first Summit of Heads of State and of Government of the member States of the Council of Europe convened to tackle the growing problems of racism, xenophobia, anti-Semitism and intolerance threatening human rights and democratic values in Europe. The Commission has produced two very interesting publications, one on good practices in combating racism and intolerance in the media in Europe and the other on specialized bodies to combat racism, xenophobia, anti-Semitism and intolerance at the national level. These two brochures are highly informative and deserve to be more widely known. They could inspire similar initiatives in other regions of the world in the struggle against racism, racial discrimination, xenophobia and related intolerance.

V. Action by civil society

40. In Germany, following the Düsseldorf attack, Paul Spiegel, President of the Central Council of Jews in Germany, warned of a new exodus of Jews and called for all-out mobilization and a massive campaign. "We are not going to let a gang of lunatic-fringe elements destroy what we have taken 55 years to build", he said. In conjunction with the federal government spokesman, the Council announced a "pact" to mobilize citizens against the far right. The initiative already has the support of a score of well-known athletes, artists, actors and journalists. Under the slogan, "Show your colours", the aim is to mobilize a "democratic resistance" to xenophobia and anti-Semitism (as reported in *Le Monde* on 8 August 2000). A number of trade unions and professional associations have also mobilized against the resurgence of racism and xenophobia. The League of German Industry advocates dismissing employees who disturb the peace of a company by behaviour harmful to others. The postal union is calling for the prohibition of mail which from the outside can be seen to be attributable to extremists. Several thousand people rallied in Munich on Sunday, 13 August 2000, in a mass demonstration against racism and xenophobia.

41. In France, the organization *SOS-Racisme* carried out an operation on the night of 17 to 18 March 2000 to identify nightclubs which practise racial discrimination, so as to gather the evidence with which to effectively take court action. Members of the organization, in some cases accompanied by a bailiff, visited 88 clubs in 20 major cities. In each case, three couples, one white, one black and one North African, sought admission to a given discothèque. The white couple was always admitted, the black couple sometimes and the North African couple never. Discriminatory practices were observed in 60 per cent of the Parisian clubs visited. Blatant racial discrimination was observed at the entrance to 45 of the 88 nightclubs visited. According to *SOS-Racisme*, the cities where ethnic selectivity is most prevalent are Lille, Reims, Montpellier, Bordeaux and Paris.

42. An Internet site called I CARE (Internet Centre Anti-Racism Europe, www.icare.to) has been set up by the Magenta Foundation (Netherlands) and the European non-governmental organization United for Intercultural Action. Its aim is to coordinate the activities of over 1,500 organizations in over 108 countries with a view to mounting active resistance to racism and racial discrimination.

43. The Special Rapporteur welcomes the effective action which non-governmental organizations are taking on the ground. He hopes that their cooperation with him will intensify, particularly in the context of preparations for the World Conference against Racism,

Racial Discrimination, Xenophobia and Related Intolerance. He assures them that various communications received from them are under consideration and will be reflected in detail in his next report to the Commission on Human Rights.

VI. Conclusions and recommendations

44. The developments reported above show that: (a) there has been a resurgence of racist violence, chiefly as a result of the renewed activities of far-right, neo-Nazi and skinhead organizations; (b) the Internet continues to be the preferred medium for incitement to racial hatred and dissemination of racist and xenophobic ideas; and (c) increasingly commonplace everyday racism can be uncovered when detection mechanisms, such as the toll-free number, are introduced.

45. Accordingly, in addition to the workshops already held on the subject, the Special Rapporteur strongly recommends the holding of international consultations at the governmental level with a view to regulating the use of the Internet and harmonizing criminal legislation on use of the Internet for racist purposes. In addition, support should be given to initiatives that use the Internet to create and develop a culture centred on the equal dignity of and respect for the human person without distinction of any kind.

46. The Special Rapporteur would also like to suggest to the General Assembly that it: (a) continue to mobilize public opinion against the various manifestations of racism, racial discrimination and xenophobia; and (b) make Member States and the various organizations aware of the importance of the World Conference to be held in 2001. In that connection, States which have not yet ratified the International Convention on the Elimination of All Forms of Racial Discrimination should do so prior to the Conference and set up national institutions for the promotion and protection of human rights, with particular emphasis on combating racism and racial discrimination. States which already have national human rights institutions or commissions should be asked to include in their programmes, if they have not yet done so, and to focus on the task of combating racism, racial discrimination, xenophobia and related intolerance.